

IC 7.1-3-12

Chapter 12. Vintners' and Farm Winery Permits

IC 7.1-3-12-1

Application

Sec. 1. Application. The commission may issue a vintner's permit to a person who desires to commercially manufacture wine.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-12-2

Scope of permit

Sec. 2. Scope of Permit. The holder of a vintner's permit is entitled to manufacture wine and to bottle it or place it in other containers. He also is entitled to transport wine and either to sell it, or deliver it, or both, in shipments to points outside this state, and to a wine wholesaler, and to another vintner. A vintner is not entitled to rectify or fortify wine unless he is also the holder of either a distiller's permit, or a rectifier's permit, or both. A vintner is not entitled to sell to a consumer or to a permittee who sells wine at retail. A vintner is entitled to advertise the name and address of any retailer or dealer who sells wine produced by his winery.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.71, SEC.1.)

IC 7.1-3-12-3

Farm winery permit

Sec. 3. The commission may issue a farm winery permit to a person who is the proprietor of a farm winery and who desires to commercially manufacture wine. A farm winery permit shall be valid from July 1, of the then current year to June 30, of the following year. IC 7.1-3-21-5 does not apply to a farm winery permit issued under this chapter. The commission may not issue a farm winery permit to a person who has not been a continuous and bona fide resident of Indiana for at least one (1) year preceding the date of the application for a farm winery permit.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.36-1999, SEC.1; P.L.201-1999, SEC.2; P.L.14-2000, SEC.24.

IC 7.1-3-12-4

Farm winery; general requirements

Sec. 4. (a) In order to be considered a "farm winery" within the meaning of this title and to be eligible to receive a farm winery permit, a wine-making establishment:

- (1) must produce wine from grapes, other fruits, or honey produced in this state; and
- (2) shall not annually produce more than five hundred thousand (500,000) gallons of wine.

(b) Table wine that is shipped by the winery outside the state and that involves a change of ownership may not be considered as part of the winery's annual production for purposes of subsection (a)(2).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1977,

P.L.93, SEC.1; Acts 1978, P.L.53, SEC.1; P.L.201-1999, SEC.3.

IC 7.1-3-12-5

Scope of farm winery permit

Sec. 5. (a) The holder of a farm winery permit:

- (1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;
- (2) is entitled to serve complimentary samples of the winery's wine on the licensed premises;
- (3) is entitled to sell the winery's wine on the licensed premises to consumers either by the glass, or by the bottle, or both;
- (4) is entitled to sell wine by the bottle or by the case to a person who is the holder of a permit to sell wine at either wholesale or retail;
- (5) is exempt from the provisions of IC 7.1-3-14;
- (6) is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery;
- (7) for wine described in IC 7.1-1-2-3(a)(4):
 - (A) may allow transportation to and consumption of the wine on the licensed premises; and
 - (B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises; and
- (8) is entitled to purchase and sell bulk wine as set forth in this chapter.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at a second location that is separate from the winery. At the second location, the holder of a permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of wine.

(c) With the approval of the commission, a holder of a permit under this chapter may, individually or with other permit holders under this chapter, participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than nine (9) days in a calendar year.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.71, SEC.2.) As amended by P.L.85-1985, SEC.7; P.L.74-1996, SEC.1; P.L.201-1999, SEC.4; P.L.177-1999, SEC.7; P.L.235-2001, SEC.2; P.L.41-2002, SEC.2.

IC 7.1-3-12-6

Importation by farm winery

Sec. 6. Importation by Farm Winery. The holder of a farm winery permit, by filing an affidavit with the commission stating that grapes, grape juice, other fruits or fruit juice, or honey produced in Indiana is not obtainable, may apply for a permit to import these products.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.201-1999, SEC.5.

IC 7.1-3-12-7

Bulk wine purchases by farm winery

Sec. 7. (a) Except as provided in subsection (b), a farm winery may purchase annually a quantity of bulk wine that does not exceed the greater of the following:

- (1) Five thousand five hundred (5,500) gallons.
- (2) Fifty percent (50%) of the quantity of wine produced by fermentation by the winery during the previous year.

(b) This subsection applies to a farm winery that suffers a loss of wine inventory due to natural or manmade disaster. If the farm winery documents the inventory loss and obtains permission from the commission, the winery may purchase a quantity of bulk wine not greater than the sum of the following:

- (1) The quantity of the winery's wine inventory loss.
- (2) The quantity of bulk wine that may be purchased by the farm winery annually under subsection (a).

As added by P.L.41-2002, SEC.3.